

4425. Misbranding of "Gooch's Mexican Syrup of Wild Cherry Tar &c."
U. S. * * * v. Cincinnati Drug & Chemical Co., a corporation.
Plea of guilty. Fine, \$25 and costs. (F. & D. No. 6313. I. S. No.
9027-e.)

On July 24, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cincinnati Drug and Chemical Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 20, 1912, from the State of Ohio into the State of Indiana, of a quantity of "Gooch's Mexican Syrup of Wild Cherry Tar &c.," which was misbranded. The article was labeled: (On carton) "Gooch's Mexican Syrup of Wild Cherry Tar, &c., 1/5 Gr. Sulph. Morphia, 3 per ct. alcohol, per Fl. Oz. and other ingredients. Relieves Coughs and Colds as if By Magic. Its ability to Soothe and heal the Lung Tissues and check the coughing renders it Invaluable in Consumption both in its First and Advanced Stages. Price Fifty Cents Manufactured by Cincinnati Drug and Chemical Co. Cincinnati, Ohio. Copyright Secured. This Package Contains Two Doses of Gooch's Mexican Pills." (On sides of carton) "That Consumption can be Cured the best authorities now admit, if taken in time, and fought promptly and persistently. Live and sleep in the open dry-air—no matter how hot or cold. Eat good nourishing food properly cooked. Keep regular hours. Breathe deep and long. Exercise lightly—don't over-work or get tired. Be cheerful, avoid worries and take Gooch's Mexican Syrup regularly and continuously. It soothes and heals the lung tissues and the throat, lessens the accumulation of mucous, and relieves the desire to cough. Don't cough; it tears the tissues you are trying to heal. Those suffering in more advanced stages, by taking Gooch's Mexican Syrup regularly and following the foregoing directions carefully, can obtain great relief and check the progress of the disease entirely. This Syrup is sold under a Positive Guarantee. So confident are we that it will not disappoint the most sanguine expectations, that we offer and sell it under a positive guarantee. If a beneficial effect is not experienced by the time two thirds of the contents are used, we will—on return of the bottle, two thirds of the medicine having been taken according to directions—promptly refund the money paid for it. Having witnessed its truly miraculous results, we feel warranted and perfectly safe in risking our money and reputation. None Genuine Unless Countersigned." (On back of carton) "Beware of that 'Bronchial Trouble,' 'Throat Trouble,' 'Stomach Cough,' 'Spitting of Blood' and the slow cold where the cough hangs on so long. Don't deceive yourself—these are often merely other names for the beginning of Consumption, Tuberculosis or chronic Lung Trouble. You can be cured if you begin instantly Don't get Panicky! But take Gooch's Mexican Syrup, and follow above Directions, at once. Don't think too soon, that you are cured. Keep on taking the Syrup and living by rule, for a good while after all symptoms have passed. It's your salvation—Keep it up. Foreign Language Directions Inside. Guaranteed by The Cincinnati Drug & Chemical Co., Cincinnati, O. under Pure Food and Drugs Act, June 30, 1906. Serial No. 3156." (On bottle) "Gooch's Mexican Syrup of Wild Cherry, Tar, &c., 1/5 Gr. Morphia Sulph. 3% Alcohol per Fl. Oz. and other ingredients. For Coughs, Colds, Consumption, Croup, Hoarseness, Spitting of Blood, Pain in Breast and Side, Whooping Cough. Directions: Dose for an Adult, 2 Teaspoonfuls every 4 hours. For a child 3 years old 10 to 30 drops; 5 years old, half Teaspoonful; 8 years old, small Teaspoonful; 12 years old, large Teaspoonful. If it causes sickness, take smaller doses. If constipated, use Gooch's Pills in connection with the Syrup. Guaranteed by Cincinnati Drug & Chemical Co. Cincinnati, O. under Pure

Food & Drugs Act, June 30, 1906. Serial No. 3156." (Statements in foreign language on back of bottle.)

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)	3.2
Sucrose (per cent)	53.42
Reducing sugars as invert (per cent)	5.15
Total solids (per cent)	61.1
Ash (per cent)	0.06

Morphine: Present.

Alkaloids other than morphine: None.

Glycerin: Present.

Flavored with methyl salicylate and benzaldehyde. Tar and cherry extract appear to be present in very small amounts.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) " * * * Its ability to * * * Heal the Lung tissues and check the coughing renders it Invaluable in Consumption both in its First and Advanced Stages * * *," "That Consumption Can Be Cured the best authorities now admit, * * * take Gooch's Mexican Syrup * * *. It * * * heals the lung tissues and the throat * * *," "Those suffering in more advanced stages, by taking Gooch's Mexican Syrup regularly * * * can obtain relief and check the progress of the disease entirely," "Beware of that 'Bronchial Trouble.' 'Throat Trouble,' 'Stomach Cough,' 'Spitting of Blood' and the slow cold where the cough hangs on so long. Don't deceive yourself—these are often merely other names for the beginning of Consumption, Tuberculosis or chronic Lung Trouble. You can be cured if you begin instantly. Don't get Panicky! But take Gooch's Mexican Syrup * * * Don't Think too soon, that you are cured. Keep on taking the Syrup and living by rule, for a good while after all symptoms have passed. It's your salvation * * *." (On bottle) "Gooch's Mexican Syrup * * * For * * * Consumption, Croup, * * * Spitting of Blood, * * * Whooping Cough * * *," were false and fraudulent in that they were applied to said drug knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for consumption, as a preventive of consumption, as a relief for consumption, as a cure for consumption, and as a remedy for croup, spitting of blood, and whooping cough, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On October 25, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*